

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,)	
)	
Plaintiff,)	
)	
-vs-)	
)	
TAKE-TWO INTERACTIVE SOFTWARE, INC.,)	
2K GAMES, INC.; 2K SPORTS, INC.; WORLD)	CASE NO. 3:18-CV-966-SMY-MAB
WRESTLING ENTERTAINMENT, INC.;)	
VISUAL CONCEPTS ENTERTAINMENT;)	
YUKE’S CO., LTD.; AND YUKE’S LA, INC.,)	
)	
)	
Defendants.)	

**DEFENDANTS TAKE-TWO INTERACTIVE SOFTWARE, INC., 2K GAMES, INC.,
2K SPORTS, INC., AND VISUAL CONCEPTS ENTERTAINMENT’S
MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law in support of this motion and exhibits thereto, including declarations of Mark Little, Randy Orton, Gary Glatstein, Ian Bogost, Nina Jablonski, Deborah Jay, and James Malackowski, Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc. and Visual Concepts Entertainment (collectively, “Take-Two”) will move this Court, before the Honorable Staci M. Yandle, Judge of the United States District Court for the Southern District of Illinois, at the United States District Courthouse, located at 301 West Main Street, Benton, Illinois 62812, at a time and place to be scheduled by this Court, for an order pursuant to Federal Rule of Civil Procedure 56 granting Take-Two summary judgment on Plaintiff Catherine Alexander’s claim of copyright infringement (Count I) and damages because (1) Take-Two was authorized to use the tattoos at issue, (2) Take-Two’s use of the tattoos at issue is a fair use, (3) Take-Two’s use of the tattoos at issue is *de minimis* and (4) Plaintiff has presented no evidence of a causal connection between the allegedly infringing conduct and Plaintiff’s alleged damages or Take-Two’s profits.

Defendants reserve their right to file a reply in support of this motion.

Dated: November 8, 2019

Respectfully submitted,

/s/ Dale M. Cendali

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and Visual Concepts Entertainment*

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WRESTLING ENTERTAINMENT, INC.;
VISUAL CONCEPTS ENTERTAINMENT;
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Defendants.

Case No. 3:18-cv-966-SMY-MAB

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2019, I electronically filed the foregoing **Defendants' Motion for Summary Judgment** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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